

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1-7 are independent.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 7,062,579 to Tateyama et al. (herein after merely “Tateyama”) in view of U.S. Patent No. 6,665,088 to Chiba et al. (hereinafter, merely “Chiba”).

Applicants respectfully traverse these rejections.

Independent claim 1 is representative and recites, *inter alia*:

“wherein the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data.” (emphasis added).

The Office Action points to Chiba (Fig. 2, boxes S6, S7 and S9) as disclosing ‘the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data.’ The Office Action helpfully notes: “while it is clear that the data will eventually be transferred, the flow chart [FIG. 2] shows that on the first pass the data is not transmitted based on the profile (resolution).”

Applicants respectfully disagree with the Office Action interpretation of Chiba's FIG. 2, boxes S6, S7 and S9 and request reconsideration in view of Applicants remarks below.

The relevant portion of Chiba's FIG. 2 is discussed in Chiba at col. 7, lines 5-45. In particular, Applicants point to col. 7, lines 32-45 where Chiba discusses the host transmitting image data to the printer in response to the host receiving success/failure flag data from the printer.

In Chiba the image data is sent to the printer. The host (1) in Chiba receives print status information such as success/failure and retransmits the image data as necessary. Chiba may withhold transmission based upon, for example, the printer overrun buffer or out-of-paper signal. However, Chiba does not disclose withholding transmission of the image data based upon the profile information as defined in Applicant's application. Indeed, in Chiba the resolution of the image data only results in a retransmission of the image data, not a withholding of the transmission. Col. 7, lines 32-45.

Very specifically, Chiba states (referring to FIG. 2) col. 7, lines 38-42:

"To retransmit the image data, if the print failure is caused by an underrun error, the host 1 converts the image data resolution into a lower value . . . at step S7 and retransmits the image data." (emphases added).

The Office Action states, "on the first pass the data is not transmitted based on the profile (resolution)." Applicants strongly suggest this is incorrect. As understood by Applicants, Chiba transmits the data even on the first pass. Hence Chiba's use of the term "retransmits" if the print failure is caused by a underrun due to resolution.

That is, as understood, Chiba transmits the image data and if a failure occurs retransmits the image data starting at the failed page. If the failure is due to an underrun, the image data

resolution is changed (Step S7) and then the image data is retransmitted. Regardless, the image data is always transmitted even on the first pass.

In contrast, claim 1 recites, “the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data.” In the present application, the picture data is not transmitted from the data source side based upon the profile data as defined in Applicants specification. That is, the profile data is the premise for transmitting the picture data.

Tateyama does not add the element missing from Chiba.

Claim 1 is patentable over the Tateyama and Chiba because those references taken either alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 2-7 are also believed to be patentable.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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